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ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. TIMOTHY TODD SCHOEN, Defendant.	CR 16-68-BLG-SPW OFFER OF PROOF
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The United States of America, represented by Assistant United States Attorney Colin M. Rubich, files its offer of proof in anticipation of the change of plea hearing set in this case on February 21, 2018.

THE CHARGE

The defendant, Timothy Todd Schoen, is charged by superseding information with conspiracy to possess with intent to distribute methamphetamine, in violation of 21 U.S.C. § 846 (Count I) and conspiracy to commit money laundering, in violation of 18 U.S.C. § 1956(h) (Count II).

PLEA AGREEMENT

There is a plea agreement in this case. Schoen will plead guilty to both counts in the superseding information. The United States presented all formal plea offers to Schoen in writing. The plea agreement entered into by the parties and filed with the Court represents, in the government's view, the most favorable offer extended to the defendant. *See Missouri v. Frye*, 566 U.S. 133 (2012).

ELEMENTS OF THE CHARGE

In order for Schoen to be found guilty of Count I, conspiracy to possess with intent to distribute methamphetamine in violation of 21 U.S.C. § 846, the United States must prove each of the following elements beyond a reasonable doubt:

First, beginning in or about November of 2014 and continuing until on or about January 12, 2016, there was an agreement between two or more persons to possess with the intent to distribute 5 grams or more of actual methamphetamine; and

Second, the defendant joined in the agreement knowing of its purpose and intending to help accomplish that purpose.

In order for Schoen to be found guilty of Count II, conspiracy to commit money laundering, in violation of 18 U.S.C. § 1956(h) the United States must prove each of the following elements beyond a reasonable doubt:

First, there was an agreement between two or more people to commit money laundering as defined in 18 U.S.C. § 1956(a)(1)(A)(i); and

Second, the defendant entered the agreement knowing of its objectives and intending to accomplish at least one of those objectives.

PENALTY

Count I of the superseding information carries a mandatory minimum penalty of five years to 40 years imprisonment, a \$5,000,000 fine, at least four years of supervised release, and a \$100 special assessment. Count II of the superseding information carries a maximum penalty of 20 years imprisonment, a \$500,000 fine, three years of supervised release and a \$100 special assessment.

ANTICIPATED EVIDENCE

If this case were tried in United States District Court, the United States would prove the following:

On December 21, 2014, agents with the Missouri River Drug Task Force (MRDTF), the IRS and the DEA received information from a confidential source (CS) that the defendant, Timothy Schoen, had been actively distributing methamphetamine in the Livingston, Montana, area for several years. The CS identified co-defendants Bobbi Mauck and Matthew Price as Schoen's coconspirators.

Schoen would send methamphetamine to Price in Montana from Las Vegas to further re-distribute. Between November of 2014 and January of 2015, the CS purchased approximately 27 grams of methamphetamine from Price. On January 21, 2015, a FedEx package addressed to Price from Las Vegas was seized and found to contain approximately 30 grams of methamphetamine. Price wired money to Schoen to pay for methamphetamine using MoneyGram.

A second CS knew Schoen to send methamphetamine through FedEx from Las Vegas to Montana five or six times, each package containing between one and four ounces of methamphetamine. Price received three of these packages. On January 10, 2015, a FedEx package arrived in Bozeman for Schoen. The package contained approximately 4 ounces of methamphetamine. The CS estimated Schoen trafficked between ten and fifteen pounds of methamphetamine into Montana in one year.

Bobbi Mauck regularly sent methamphetamine from Las Vegas through FedEx to Schoen in Montana, and received monetary deposits into her Well Fargo bank account as payment. These deposits represented the proceeds from drug distribution activities and were given to Mauck to pay for additional shipments of methamphetamine.

DATED this 20th day of February, 2018.

KURT G. ALME
United States Attorney

/s/ Colin M. Rubich
COLIN M. RUBICH
Assistant U.S. Attorney